

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI**

KRISTINA STOCKTON, et al.,)
)
Plaintiffs,)
)
v.) Case No.: 3:20-cv-05035-SRB
)
NEWTON COUNTY AMBULANCE)
DISTRICT, ET AL.,)
)
Defendants.)

**DEFENDANTS NEWTON COUNTY AMBULANCE DISTRICT,
DENNIS LEE LAKE, AND BRYAN SMITH'S MOTION FOR SUMMARY
JUDGMENT**

COME NOW Defendants Newton County Ambulance District (the “District”), Dennis Lee Lake, and Bryan Smith, by and through their attorneys, Schreimann, Rackers & Francka, LLC, and pursuant to Federal Rule of Civil Procedure 56, hereby move for Summary Judgment on the claims against them in Plaintiffs’ First Amended Complaint. As grounds therefore, Defendants states to the Court as follows:

1. Plaintiffs’ state-law negligence claims in Counts VII and VIII against the District are barred by sovereign immunity.
2. Plaintiffs’ negligence claim in Count VII against Defendant Smith is barred by the public duty doctrine.
3. Plaintiffs’ negligence claim in Count VIII against Defendant Lake is barred by the public duty doctrine

4. Plaintiffs' 42 U.S.C. § 1983 claims in Count IX against Defendants Smith and Lake both fail as a matter of law because these defendants were not deliberately indifferent to Plaintiff's medical needs.

5. Plaintiffs' 42 U.S.C. § 1983 claim in Count IX against the District fails because there is no evidence the problems complained of were widespread or persistent, nor is there any evidence the District failed to train its employees.

6. In support, these Defendants incorporate their Suggestions in Support of their Motion for Summary Judgment as though fully and completely set forth herein.

WHEREFORE, Defendants Newton County Ambulance District, Dennis Lee Lake, and Bryan Smith pray that this Court grant Judgment in their favor and against Plaintiffs, and for such other and further relief as the Court deems proper under the circumstances.

Respectfully Submitted,

SCHREIMANN, RACKERS &
FRANCKA, L.L.C.

/s/ Christopher P. Rackers
Christopher P. Rackers, #41894
931 Wildwood Drive, Suite 201
Jefferson City, MO 65109
573/634-7580
573/635-6034 (facsimile)
cpr@srfblaw.com

Attorneys for Defendants Newton County Ambulance District, Dennis Lee Lake, and Bryan Smith

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing was served upon all parties of record, via the Court's filing system on April 20, 2021.

/s/ Christopher P. Rackers
